

**AFFIDAVIT**

I, Timothy W. Flohrschutz, a Special Agent assigned to the Kansas City Field Office of the Federal Bureau of Investigation, the undersigned affiant, being of lawful age and first duly sworn upon my oath, state the following is true and correct to the best of my knowledge and belief:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been so employed since February of 2015. Prior to being a Special Agent, I was a Bellevue, Nebraska Police Officer and Detective from 2006 to 2015. I am currently assigned to the Violent Crimes Squad, Violent Crimes Fugitive Task Force, within the Kansas City Division of the FBI. I am collaterally assigned to the FBI Cellular Analysis Survey Team (CAST). Throughout my law enforcement career, I have received training regarding the investigation of violations of federal and state laws to include violent crime such as armed robberies, bank robberies, kidnappings, and abductions, in addition to narcotics trafficking, firearms violations, and criminal acts associated with violent gangs. I have personally authored and sworn to well over one hundred affidavits in support of search warrants and other forms of legal process.

2. Presently, I am working on a multi-agency investigation based in the Western District of Missouri regarding violations of federal law to include Conspiracy to Commit Armed Robbery Affecting Interstate Commerce, in violation of Title 18, United States Code, Section 1951, Armed Robbery Affecting Interstate Commerce, in violation of Title 18, United States Code, Section 1951, and Use of a Firearm During and in Relation to a Crime of Violence, in violation Title 18, United States Code, Section 924(c).

3. This affidavit is related to criminal complaint 18-MJ-00185-JTM(MJW), United States v. Derron D. Nevels, signed by the Honorable Matt J. Whitworth, on December 12, 2018.

4. I make this affidavit in support of an application for a search warrant for information associated with certain Facebook User IDs that are stored at the premises controlled by Facebook, Inc. ("Facebook"), a social networking company headquartered in Menlo Park, California. The information and Facebook User IDs to be searched are described below and in Part I of Attachment A.

- (1) **"Derron Nevels"; User ID 100023845403294 (Target Account #1)**
- (2) **"Ronni Ron TraFive"; User ID 100029134608906 (Target Account #2)**
- (3) **"Bailee Prieto" User ID 100016774298964 (Target Account #3)**

5. I anticipate executing this search warrant pursuant to 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the search warrant to require Facebook to disclose to the Government copies of the records and other information (including the content of communications) particularly described in Part II, Section A of Attachment A. Upon receipt of the information described in Part II, Section A of Attachment A, government-authorized persons will review that information to locate the items described in Part II, Section B of Attachment A. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. §§ 2711 and 2703(a), (b)(1)(A), and (c)(1)(A). Specifically, the court is "a district court of the United States...that – has jurisdiction over the offense being investigated," 18 U.S.C. § 2711(3)(A)(i). Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. As set forth below, the above-listed location is believed to contain items, more fully described in Attachment A, which constitute evidence, fruits, and instrumentalities of violations of federal law as described above.

## **Overview of Investigation and this Affidavit**

6. This affidavit will detail an investigation revolving around a criminal conspiracy by Derron D. **Nevels**, and others yet unknown or not fully identified by investigators, to commit an armed robbery which affected interstate commerce on December 4, 2018, in Kansas City, Jackson County, Missouri, further located within the confines of the Western District of Missouri. A firearm, as defined by federal statute, was utilized during this robbery attempt which resulted in the intended victim being struck by gunfire in the upper torso, shoulder, and arm, approximately twenty times, from behind her person.

7. I believe there is probable cause that evidence of the planning and execution of this robbery, attempts to conceal or destroy evidence, and related crimes are contained within the records maintained by Facebook.

### **Z-Trip Robbery and Shooting**

8. On December 4, 2018, at 8:25 p.m., the Kansas City, Missouri, Police Department (KCPD) dispatched officers to the area of 914 Benton Boulevard, Kansas City, Missouri, on a shooting. Upon arrival, officers located the victim who was suffering from multiple gunshot wounds to her upper body. The victim was transported to an area hospital in critical condition. It was determined the victim sustained approximately 20 gunshot wounds to her upper body. At least eighteen .22 caliber casings were recovered from the scene of the shooting. The victim's condition was last reported to be critical with substantial and serious bodily injuries. KCPD investigators contacted Z-Trip and determined the phone number used to order the ride was (816) 226-1879 (Target Telephone #1), a Sprint cellular telephone number. When the Z-Trip was ordered, the pick-up location was 3715 Wabash Avenue, Kansas City, Missouri, and the drop-off location was 914 Benton Boulevard, Kansas City, Missouri.

9. On December 7, 2018, a search warrant was obtained for Target Telephone #1 in the Circuit Court of Jackson County, Missouri in Kansas City. The search warrant was for historical call detail records, prospective precision location information (pings), and a pen register trap and trace. An analysis of the call detail records demonstrated two phone numbers had contact with Target Telephone #1, one of which was identified as the victim's telephone number. The other phone number was (816) 217-9716 (Target Telephone #2) which was determined to be serviced by T-Mobile. Target Telephone #1 placed an outgoing call to Target Telephone #2 on December 4, 2018, at 8:06 p.m. and received an incoming call from Target Telephone #2 at 8:10 p.m. Preliminary mapping of Target Telephone #1 revealed it to utilize a cell site located near 804 Prospect Avenue, Kansas City, Missouri from 7:51 p.m. through 8:10 p.m. Based upon the aforementioned information, combined with Z-Trip in-car video, and the fact Target Telephone #1 could not have been at or near 3715 Wabash, investigators believed Target Telephone #2 was the phone being utilized by the suspect.

10. On December 8, 2018, a search warrant was obtained for Target Telephone #2 in the Circuit Court of Jackson County, Missouri, in Kansas City. The search warrant was for historical call detail records, pings, and a pen register trap and trace.

11. On December 10, 2018, T-Mobile provisioned the pings and pen register trap and trace on Target Telephone #2. The first ping was received at 1:34 p.m., and provided the coordinates of 39.051762, -94.542139, with a radius of 3,870 meters, which centered around 41st Street and Askew Avenue, Kansas City, Missouri.

12. On December 11, 2018, T-Mobile sent the historical call detail records. Preliminary mapping of Target Telephone #2 revealed it to utilize a cell site located near 39th and Michigan Avenue, Kansas City, Missouri for an incoming call from Target Telephone #1 at 8:06 p.m., and an outgoing call to

Target Telephone #1 at 8:10 p.m..

13. The Z-Trip vehicle in which the crime was committed was equipped with interior and exterior cameras which were recording during the incident. Both cameras were situated in the front console area of the taxi and appeared capable of recording in color but appeared to switch to infrared in low-light conditions. A review of the exterior camera showed the suspect (Suspect #1) walked in front of the Z-Trip taxi. The suspect was identified as a slim, black male wearing a dark colored hooded jacket and light colored sweatpants. A review of the interior camera showed the suspect enter the vehicle on the rear passenger side. The suspect stated that he had to call his sister for the address. He appeared to place a call and verified the address of 914 Benton Boulevard. After identifying the address, the victim plotted the route and began driving. During the trip, the suspect told the victim that he was expecting a daughter.

14. Upon arriving at 914 Benton Boulevard, they waited in the taxi for somebody to bring out the cab fare. While waiting, the victim opened the driver's side door after she dropped something. When the interior compartment lights turned on, the suspect could be seen wearing a mask covering his face. He appeared to be looking around and behind him for someone. A second, yet unidentified suspect (Suspect #2) approached the driver's side sliding door. After opening the door, one of the suspects asked, "you got it?" At that time, Suspect #1 held a rifle up to the victim's head and demanded she give him everything. The victim told Suspect #1 he was being recorded. He replied, stating, "I don't care, give me everything." Suspect #1 was holding his phone up at the time and appeared to possibly be taking a picture or video on his cell phone.

15. The victim turned towards the back seat and grabbed onto the rifle held by Suspect #1 resulting in a struggle. Suspect #1 told Suspect #2 to "kick her ass," after which Suspect #2 struck the victim in the face. Suspect #2 then reached around the driver's seat and began striking her about the back of her head. The victim released her grip from the gun and appeared to be searching for something. Suspect #1 leaned back in his seat and opened fire on the victim at close range approximately 21 times. Both suspects then fled the scene.

16. After the suspects fled, the Z-Trip's exterior camera also captured pertinent activity after the victim was shot. An individual was observed walking westbound on 10th Street across Benton Boulevard. He walked towards a residence, then proceeded north on Benton Boulevard along the sidewalk. He then crossed in front of the van before contacting the driver. This male subject was wearing a dark colored, hooded, zip-up jacket with darker lining at the wrists and waist. He was also wearing dark colored sweatpants with what appears to be a Nike emblem.

17. The interior camera captured the rest of the interaction between this subject and the victim. A male voice could be heard asking the victim if she was okay. The victim told him that she had been shot. While the driver was facing away, the male reached into the rear passenger compartment and removed the phone off the seat where Suspect #1 had been sitting. During this interaction, the male subject asked the victim if she had called the police. This subject was a black male with short twist braids, two of which were distinguishable at his forehead. He left the scene in an unknown direction.

18. After review of all the footage available and based on voice similarities, in addition to the knowledge of where the cell phone was left in the van following the shooting, the individual returning for the phone is believed to be the shooter, Suspect #1.

### **Social Media Investigation**

19. On December 7, 2018, Detective Angelina Sanchez with the KCPD Assault Squad conducted a search of Target Telephone #2 on Facebook. The search conducted by Det. Sanchez revealed

that Target Telephone #2 was associated with a single Facebook account identified by the name “Derron **Nevels**”, using Facebook ID “100023845403294” (**Target Account #1**) and Uniform Resource Locator (URL) “<https://www.facebook.com/RonniTrafive3500>.” Of note, “Trafive” is known to be a reference to the 35<sup>th</sup> Street, or the 3500 block area of Kansas City, Missouri. These terms are commonly used by members of street gangs in social media to claim their association with specific territory.

20. SA Flohrschutz completed an open source review **Target Account #1**. Of approximately 44 photographs displayed on the page, all but one photograph contained **Nevels**. At least four of the photographs contained **Nevels** holding what appeared to be a firearm. One photograph with a firearm, a rifle, was posted on December 5, 2018. Three photographs contained **Nevels** holding what appeared to be a two-tone, silver-over-black, semi-automatic handgun with an extended magazine protruding from the pistol grip, were posted between March 6, 2018, and March 8, 2018. **Nevels** was also observed flashing hand signs in multiple photographs which is commonly associated with street gang activity.

21. On December 8, 2018, Det. Sanchez provided SA Flohrschutz with content obtained by way of a State of Missouri search warrant for **Target Account #1** for the time period of December 2, 2018, to December 8, 2018. SA Flohrschutz also began receiving pen register information from Facebook pertaining to **Target Account #1**.

22. Historical Internet Protocol (IP) address activity showed the device used to access **Target Account #1** connected through IP address 99.69.203.231 (AT&T Internet Services) at 8:06:34 p.m. prior to the attempted robbery and shooting. The next IP address used to access the account occurred approximately one hour later through 173.108.50.178 (Sprint) with intermittent activity from a T-Mobile device. The last historical IP address used to access the account prior to the production of records was 2605:a601:0470:1700:9831:404a:79ac:28b8 (Google Fiber). The pen register activity initially showed the account was being accessed from a Google Fiber account. The activity later transitioned to an IP address consistent with the account being accessed utilizing a T-Mobile cellular telephone over the cellular data network.

23. The subscriber information for **Target Account #1** identified the account holder as **Derron Nevels** with the vanity name of “RonniTrafive3500.” The listed account, using unique Facebook user ID 100023845403294, was created on January 12, 2018. The last mobile device used to access the account was reported to be an Apple iPhone. The records showed that telephone number (816) 217-9716 (Target Telephone #2) was associated with the account and “verified” on April 15, 2018. The term “verified” indicates that Facebook provided the user with a code by voice call or text message to the telephone number provided. In order to be “verified” the user must respond with the appropriate code provided by Facebook. A large majority of the photographs posted to the account appeared to be of the same black male whose physical appearance was consistent with that of Derron D. **Nevels**, date of birth: October 30, 2000.

24. On December 5, 2018, at 11:25:37 p.m., the day after the shooting, the Facebook records showed that the user of **Target Account #1** uploaded a digital photograph of a group of black males as the account’s “Cover Photo.” The male pictured at the far left of the group appeared to be **Nevels**. He was wearing a gray zip-up hooded sweatshirt with dark gray or black cuffs around the wrists and waist. The sweatshirt had a white or otherwise light colored logo on what appeared to be the left chest. He was wearing what appeared to be black athletic pants with a white logo near what appeared to be the left pant pocket. He was holding what appeared to be an AR-style rifle in his right hand. The rifle had a magazine inserted in the magazine that appeared to have a window towards the front which allowed the ammunition cartridges to be visible. The firearm also appeared to have a red hue to it. The clothing and rifle appeared consistent with the clothing and weapon used by the shooter during the robbery, as seen in the recording.

25. Based upon previous knowledge that .22 caliber shell casings were recovered from the crime scene, SA Flohrschutz assessed that the firearm was likely a Smith and Wesson Military & Police (M&P) 22-15, .22 caliber long rifle. An internet search for images of a Smith and Wesson M&P 22-15 revealed that Smith and Wesson produced a variation of the weapon which had a red, black, and white print on the receiver and handguard of the rifle, consistent with what was observed in the photograph.

26. The content provided by Facebook pertaining to **Target Account #1** contained private Facebook communication between the user of **Target Account #1** and Facebook user "Ceejay Mobbin" following the shooting on December 4, 2018. On December 6, 2018, the user of **Target Account #1** engaged in communication in an attempt apparently to sell a Smith & Wesson .22 caliber firearm. The following is from that communication:

Date/Time	From	To	Content
12/6/2018 9:10 AM	100019595629084 Facebook - Ceejayy Mobbin	100023845403294 Facebook - Derron Nevels	Yu got bullets?
12/6/2018 9:11 AM	100023845403294 Facebook - Derron Nevels	100019595629084 Facebook - Ceejayy Mobbin	Yeah
12/6/2018 9:11 AM	100019595629084 Facebook - Ceejayy Mobbin	100023845403294 Facebook - Derron Nevels	Wat kind
12/6/2018 9:11 AM	100019595629084 Facebook - Ceejayy Mobbin	100023845403294 Facebook - Derron Nevels	Let me see it
12/6/2018 9:11 AM	100023845403294 Facebook - Derron Nevels	100019595629084 Facebook - Ceejayy Mobbin	22 chop , smithen western
12/6/2018 9:12 AM	100023845403294 Facebook - Derron Nevels	100019595629084 Facebook - Ceejayy Mobbin	You sent a video.
12/6/2018 9:12 AM	100019595629084 Facebook - Ceejayy Mobbin	100023845403294 Facebook - Derron Nevels	WAsup when yu wanna trade
12/6/2018 9:12 AM	100023845403294 Facebook - Derron Nevels	100019595629084 Facebook - Ceejayy Mobbin	Got hella bullets
12/6/2018 9:15 AM	100023845403294 Facebook - Derron Nevels	100019595629084 Facebook - Ceejayy Mobbin	On my daughter iant on no funny shit nor faking and cause I canâ€™t carry that mf , and I be everywhere ðŸ¤ðŸ¤½â€¢â™€i, □
12/6/2018 9:15 AM	100023845403294 Facebook - Derron Nevels	100019595629084 Facebook - Ceejayy Mobbin	I was gone sell this mf for 350 and get a lil 9tarus
12/6/2018 9:16 AM	100019595629084 Facebook - Ceejayy Mobbin	100023845403294 Facebook - Derron Nevels	Never keep it omm ill trade yu today brotha
12/6/2018 9:16 AM	100019595629084 Facebook - Ceejayy Mobbin	100023845403294 Facebook - Derron Nevels	Dont b on no funny shit tho bro cus im not
12/6/2018 9:16 AM	100023845403294 Facebook - Derron Nevels	100019595629084 Facebook - Ceejayy Mobbin	On my daughter Iâ€™m not , put that on sum you not foo lol
12/6/2018 9:16 AM	100023845403294 Facebook - Derron Nevels	100019595629084 Facebook - Ceejayy Mobbin	Where u wanna do that trade ?
12/6/2018 9:17 AM	100019595629084 Facebook - Ceejayy Mobbin	100023845403294 Facebook - Derron Nevels	On my dead brotha JayJay
12/6/2018 9:17 AM	100019595629084 Facebook - Ceejayy Mobbin	100023845403294 Facebook - Derron Nevels	N give me abut an hour or 2 to get im traffic
12/6/2018 9:17 AM	100023845403294 Facebook - Derron Nevels	100019595629084 Facebook - Ceejayy Mobbin	Ight bet ðŸ‘-
12/6/2018 9:17 AM	100019595629084 Facebook - Ceejayy Mobbin	100023845403294 Facebook - Derron Nevels	Yo phone on ?
12/6/2018 9:17 AM	100023845403294 Facebook - Derron Nevels	100019595629084 Facebook - Ceejayy Mobbin	Yeah. 8162179716
12/6/2018 9:18 AM	100019595629084 Facebook - Ceejayy Mobbin	100023845403294 Facebook - Derron Nevels	Ok bet imma call yu
12/6/2018 9:18 AM	100023845403294 Facebook - Derron Nevels	100019595629084 Facebook - Ceejayy Mobbin	Ight do the shmitty got bullets ?

12/6/2018 9:18 AM	100019595629084 Facebook - Ceejayy Mobbin	100023845403294 Facebook - Derron <b>Nevels</b>	Wat kind of chop is dat
12/6/2018 9:19 AM	100019595629084 Facebook - Ceejayy Mobbin	100023845403294 Facebook - Derron <b>Nevels</b>	N ye the clip full plus one up top
12/6/2018 9:19 AM	100023845403294 Facebook - Derron <b>Nevels</b>	100019595629084 Facebook - Ceejayy Mobbin	I just told u 22. Smith and western
12/6/2018 9:24 AM	100023845403294 Facebook - Derron <b>Nevels</b>	100019595629084 Facebook - Ceejayy Mobbin	Still trying to ? It come wit a bag full of bullets ðŸ¤·ðŸ¤½â€¢â™,i,ðŸ‘-
12/6/2018 9:27 AM	100019595629084 Facebook - Ceejayy Mobbin	100023845403294 Facebook - Derron <b>Nevels</b>	Ion got extra bullets
12/6/2018 9:28 AM	100023845403294 Facebook - Derron <b>Nevels</b>	100019595629084 Facebook - Ceejayy Mobbin	Iâ€¢ll go get sum

27. While attempting to develop additional information regarding **Nevels**, an FBI Analyst discovered a second account being utilized by **Nevels**. This account was further identified by the name “Ronni Ron TraFive”, using Facebook ID “100029134608906” (**Target Account #2**) and Uniform Resource Locator (URL) “<https://www.facebook.com/100029134608906>.” **Target Account #2** shared multiple similarities to **Target Account #1** to include the use of the identifiers “Ronni” and “TraFive” in addition to shared photographs between the accounts containing **Nevels**, to include the photograph previously referenced of **Nevels** posing with a group of black males holding what appears to be the rifle used in the robbery and shooting.

#### **Arrest and Interview of Derron Nevels and Associates**

28. On December 10, 2018, members of the Kansas City Career Criminal Task Force (KCCCTF) located **Nevels** and two unknown subjects getting onto a bus in the area of Prospect and Swope Parkway, Kansas City, Missouri. The three subjects got onto bus #2700 and sat in the rear of the bus. Agents and detectives conducted surveillance of the subjects until they exited the bus at 11th Street and Grand Avenue. During surveillance, three, possibly four subjects, were observed handing a bag back and forth between them. Once outside the bus, KCPD officers effected a probable cause arrest of **Nevels** for the attempted armed robbery and assault of the Z-Trip driver. Also taken into custody were I.A. and D.W., the previously unknown subjects with **Nevels**. During the search incident to the arrest of **Nevels**, officers located a black and red Smith and Wesson M&P 15-22 rifle bearing Serial Number HCA6451, hidden in his waistband with the barrel going down his right pant leg. After the rifle was seized and it was rendered safe, it was found to be loaded with a live round in the chamber and 12 rounds in the magazine. The distinct rifle recovered from inside the pants of **Nevels** appeared to be consistent with the firearm used and observed in the video of the Z-Trip robbery on December 4, 2018, as well as the Facebook photographs. **Nevels** was subsequently transported to the FBI Kansas City Headquarters to be interviewed.

29. On December 10, 2018, SA Jason Ramsey and Det. Sanchez conducted a post-*Miranda* interview of **Nevels**. During the interview, he advised his cellular telephone number was (816) 217-9716 (Target Telephone #2). He also revealed multiple details to investigators that were consistent with the investigation, including his conversation with the Z-Trip driver about his girlfriend being pregnant. **Nevels** admitted to approaching the Z-Trip vehicle after the shooting and taking a phone out of the car. He eventually admitted to knowing and being present with the female who called in to setup the Z-Trip ride. **Nevels** initially identified that female as Bailee Prieto. **Nevels** stated that Prieto had been in possession of Target Telephone #1 but disposed of the phone after the shooting. **Nevels** also admitted that the firearm found in his possession was the firearm used in the shooting, but he claimed the shooting was carried out by someone else.

30. On December 10, 2018, KCCCTF Det. Vern Huth and Det. Matthew “Buck” Williams conducted a post-*Miranda* interview of I.A. I.A. was asked who he had been arrested with and he stated

that a guy he knew as “Ronnie,” and his (I.A.’s) younger brother, D.A. It was determined that the subject referred to as “Ronnie” by I.A. was **Derron D. Nevels**, because **Nevels** was the only other individual arrested with I.A. and D.A., and **Nevels** used the moniker “Ronni TraFive” on social media. I.A. stated that he did not know anyone named Bailee, however, he had seen Ronnie with a white female. I.A. stated that he was approached by Ronnie and a white female in an older model red Camaro when he was walking several weeks ago. He described the female as having dark or reddish hair and freckles on her face. In an attempt to identify the female, I.A. was shown two photos of white females but he did not recognize the photos as being the person he saw with Ronnie. I.A. stated that they proceeded to an apartment complex off of Emanuel Cleaver II Boulevard where they made contact with another white female. I.A. stated that Ronnie went inside the apartment and exited a short time later carrying a Pink brand duffel bag. I.A. stated that inside the duffel bag was a rifle that Ronnie had just bought. I.A. stated that he was holding it and looking at it and did not initially think the gun was real.

31. I.A. was asked if he had been with Ronnie the week prior and he stated that he had not been with Ronnie. I.A. was told that Ronnie had done something bad last week and if he (I.A.) was involved or knew anything about the incident, he should come forward. I.A. was advised that Ronnie was claiming he (I.A.) had been involved. I.A. eventually stated that he knew about the robbery. I.A. stated that his little brother D.A had received a call from Ronnie on December 5, 2018, around 4:00 p.m. During the conversation, Ronnie asked if he could come to I.A.’s and lay low. I.A. stated that he told Ronnie no. I.A. stated that Ronnie became upset and started saying, “I’m not trying to go back to jail bro” and “I just robbed this bitch bro.” I.A. went on to state that Ronnie told him he had been in a car when one of his friends opened the car door and began hitting the driver. Ronnie told him he (Ronnie) lifted up his gun and shot her twenty-five times in fifteen seconds. I.A. was asked to describe Ronnie’s cell phone and he stated that it was an iPhone and it was white with a gold back. I.A. stated that Ronnie has had that phone since he got out of jail.

### **Additional Investigation**

32. On December 11, 2018, SA Flohrschutz reviewed subscriber information received from T-Mobile pursuant to a State of Missouri search warrant for cellular telephone number (816) 217-9716. The subscriber information showed the account was prepaid and did not contain a subscriber name. The account was activated on February 28, 2018. SA Flohrschutz also reviewed the historical call detail records received pursuant to the same search warrant from December 2, 2018, to December 10, 2018. Throughout the duration of the records, both before and after the shooting, the device associated with Target Telephone #2 was assigned International Mobile Equipment Identifier (IMEI) 353816084640460 which indicated the same device was in use with the account the entire time. An open source query of IMEI 353816084640460 revealed it was associated with an Apple iPhone 7 Plus.

33. SA Flohrschutz received information on the pen register associated with **Target Account #1** from December 8, 2018, to December 19, 2018. The historical account content and pen register for **Target Account #1** showed a friend request received from Facebook user “Bailee Prieto.” This account was further identified by the name “Bailee Prieto,” using Facebook ID “100016774298964” (**Target Account #3**) and Uniform Resource Locator (URL) “<https://www.facebook.com/bailee.prieto.184>.” **Target Account #3** sent **Target Account #1** a friend request on December 7, 2018, at 12:34:42 a.m.. Following this request, the pen register showed a large volume of communication between the two accounts to include messages and voice calls beginning on December 8, 2018, at 9:50:29 p.m. and ending on December 18, 2018, at 6:29:57 p.m., just prior to the pen register being deactivated by Det. Sanchez. This activity appeared to be consistent with Prieto disposing of her phone following the shooting and using Facebook as an alternate means of communication. Photographs posted on **Target Account #3** appear to depict the account holder as a young white female in her late teens with red hair and freckles, consistent with the description of the female provided by I.A.

34. On December 17, 2018, SA Flohrschutz submitted a preservation request to Facebook for **Target Account #1, Target Account #2, and Target Account #3**.

35. Following the arrest of **Nevels**, SA Flohrschutz attempted to conduct additional research regarding **Target Account #2**, as recently as of January 1, 2019. Within approximately one week of his arrest, **Target Account #2** had been taken offline and remains unavailable.

36. Furthermore, Target Telephone #1, which has been associated with Prieto (the owner of **Target Account #3**), was identified by the KCPD as being utilized to attempt to setup multiple additional suspected armed robbery attempts during the same timeframe as the Z-Trip robbery.

#### **Interview of Bailee Prieto**

37. On January 7, 2019, Bailee Prieto submitted to a non-custodial interview with SA Ramsey at her residence. During the interview, Prieto stated that a female identified as "Boy Twin" used her phone, Target Telephone #1, to request the Z-Trip ride for **Nevels**. Prieto admitted that she overheard **Nevels** and Boy Twin planning the robbery. **Nevels** was picked up in the area of his residence, which she identified as 3715 Wabash Avenue, Kansas City, Missouri. Boy Twin was supposed to pretend that she was going to pay the Z-Trip driver and then help **Nevels** with the robbery. Once the Z-Trip arrived, **Nevels** sent multiple text messages to Target Telephone #1 asking where they were. Boy Twin went outside to meet **Nevels**. Prieto stated that she, along with "Mel," "Girl Twin," and Terrion (LNU) were at Mel's apartment at 903 Benton Boulevard, Apt 2S, and heard the shots. **Nevels** ran in afterward and told everyone about the shooting and said the driver was dead. He (**Nevels**) later realized that he left his phone in the car and they devised a plan to retrieve it before police arrived. Prieto acknowledged seeing **Nevels** with a firearm which she described as "long" and camouflaged. Prieto stated that **Nevels** placed a Facebook call to someone following the shooting and bragged about doing the shooting at 9th and Benton.

#### **Interview of Melani "Mel" Jimenez**

38. On January 22, 2019, Melani Jimenez, aka "Mel," submitted to a non-custodial interview with SA Ramsey at her residence. Jimenez was questioned about the Z-Trip shooting which occurred near her apartment on December 4, 2018. She stated that Prieto used her own cellular telephone and requested a Z-Trip ride for **Nevels**. Jimenez observed Prieto sending multiple text messages to an unknown person. Afterwards, Jimenez described hearing what she believed was knocking followed by **Nevels**, aka "Ron Ron," entering her apartment. **Nevels** was carrying a black bag with a gun inside which she described as a long-gun with red camouflage. **Nevels** went to her bedroom and began changing clothes while telling Prieto he dropped his phone. Jimenez went outside and spoke to the victim while **Nevels** retrieved his phone from the van. After they returned to the apartment, **Nevels** placed a call using his phone and stated that "I shot the bitch, I think the bitch is dead." She stated that **Nevels** also instructed Prieto to dispose of her phone because he was afraid police would track it since it was used to setup the robbery attempt.

#### **Information Available from Facebook**

39. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

40. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full

name, birth date, gender, contact email addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a unique user identification number to each account.

41. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a “Friend Request.” If the recipient of a “Friend Request” accepts the request, then the two users will become “Friends” for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user’s account includes a list of that user’s “Friends” and a “News Feed,” which highlights information about the user’s “Friends,” such as profile changes, upcoming events, and birthdays.

42. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create “lists” of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

43. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can “check in” to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user’s profile page also includes a “Wall,” which is a space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

44. Facebook allows users to upload photos and videos, which may include any metadata such as location that the user transmitted when s/he uploaded the photo or video. It also provides users the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook’s purposes, the photos and videos associated with a user’s account will include all photos and videos uploaded by that user that have not been deleted, as well as all photos and videos uploaded by any user that have that user tagged in them.

45. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to email messages, are sent to the recipient’s “Inbox” on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a chat feature that allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a Video Calling feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

46. If a Facebook user does not want to interact with another user on Facebook, the first user can “block” the second user from seeing his or her account.

47. Facebook has a “like” feature that allows users to give positive feedback or connect to particular pages. Facebook users can “like” Facebook posts or updates, as well as webpages or content on third-party (i.e., non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

48. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

49. Each Facebook account has an activity log, which is a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

50. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs (“blogs”), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

51. The Facebook Gifts feature allows users to send virtual “gifts” to their friends that appear as icons on the recipient’s profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other “pokes,” which are free and simply result in a notification to the recipient that he or she has been “poked” by the sender.

52. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

53. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications (“apps”) on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.

54. Facebook uses the term “Neoprint” to describe an expanded view of a given user profile. The “Neoprint” for a given user can include the following information from the user’s profile: profile contact information; news feed information; status updates; links to videos, photographs, articles, and other items; notes; wall postings; friend lists, including the friends’ Facebook user identification numbers; groups and networks of which the user is a member, including the groups’ Facebook group identification numbers; future and past event postings; rejected “Friend” requests; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications.

55. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user’s IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

56. Social networking providers like Facebook typically retain additional information about their users’ accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications,

including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

57. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user's "Neoprint," IP log, stored electronic communications, and other data retained by Facebook, can indicate who has used or controlled the Facebook account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used.

58. For example, as described herein, Facebook logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, Facebook builds geo-location into some of its services. Geo-location allows, for example, users to "tag" their location in posts and Facebook "friends" to locate each other. This geographic and timeline information may tend to either inculpate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner's state of mind as it relates to the offense under investigation. For example, information on the

59. Facebook accounts may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), they may document the commission of a crime (e.g., private correspondence arranging for the sale of a controlled substance), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

60. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

61. As described previously, the user accounts listed in paragraph 4 are accounts facilitated by Facebook, Inc. Facebook, Inc. is located at 1601 Willow Road, Menlo Park, California 94025.

## Conclusion

62. Based upon the foregoing information, I believe that probable cause exists to establish that these accounts contain items which constitute evidence, fruits, and instrumentalities documenting violations to include Conspiracy to Commit Armed Robbery Affecting Interstate Commerce, in violation of Title 18, United States Code, Section 1951, Armed Robbery Affecting Interstate Commerce, in violation of Title 18, United States Code, Section 1951, and Use of a Firearm During and in Relation to a Crime of Violence, in violation Title 18, United States Code, Section 924(c).

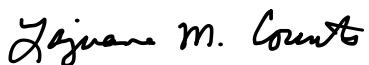
FURTHER YOUR AFFIANT SAYETH NAUGHT.



\_\_\_\_\_  
Timothy W. Flohrschutz  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me

this 4th day of February, 2019.



\_\_\_\_\_  
HONORABLE LAJUANA M. COUNTS  
United States Magistrate Judge  
Western District of Missouri

